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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,854	07/03/2003	Tien-Jen Tien	CFP00313 (18084-131)	4407
23595	7590	04/19/2005	EXAMINER	
NIKOLAI & MERSEREAU, P.A. 900 SECOND AVENUE SOUTH SUITE 820 MINNEAPOLIS, MN 55402			DOAN, ROBYN KIEU	
			ART UNIT	PAPER NUMBER
			3732	

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/612,854

Applicant(s)

TIEN, TIEN-JEN

Examiner

Robyn Doan

Art Unit

3732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

The disclosure is objected to because of the following informalities: in the specification page 4, line 1 change "hole" into --hold--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Dunn (5491863).

With regard to claims 1 and 3, Dunn discloses a scrubbing device comprising a first set having a first handle (12) and a first scrubbing stick (26) connected to a first end of the first handle, a recess (at 36) defining in the first handle and communicating an opening defining in a second end of the first handle and a second set having a second handle (30) and a second scrubbing stick (28) which is connected to a first end of the second handle, the second set removably received in the recess (fig. 2), a ring (32) mounted to an outer periphery of the second handle and engaged with an periphery of

the recess (fig. 3), the device further comprising a knob (at 34) being connected to a second end of the second handle and extending beyond the second end of the first handle. Applicant is noted that all the claimed structure have been shown, the intended use is given no patentable weight.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn in view of Batch (5709003) and Irizarry (5331707).

With regard to claim 4, Dunn discloses a device comprising all the claimed limitations in claim 1 as discussed above except for a groove is defined in the outer periphery of the second handle and a ring is engaged with the groove. Batch discloses a scrubbing device comprising a first set with a first handle (16) and a second set with a second handle (30). Irizarry discloses a brush (fig. 1) comprising a handle (11) having a groove (15) in the outer periphery of the handle and a ring (21) is engaged with the groove. It would have been obvious to one having an ordinary skill in the art at the time the invention was made to employ the second handle as taught by Batch into the handle

of Dunn and the groove with the ring as taught by Irizarry into the handle of Batch for the purpose of securing the second handle in place with the first handle.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn in view of Batch and Martinez (5765253).

With regard to claim 2, Dunn discloses a device comprising all the claimed limitations in claim 1 as discussed above except for a diameter of the second handle being larger than the second scrubbing stick, the recess of the first handle having a first and second sections and an annular step being defined between the first and second sections. Batch discloses a scrubbing device comprising a first set with a first handle (16) and a second set with a second handle (30). Martinez discloses a brush (figs. 2-3) comprising a handle (20) having an annular step (24) being defined between a first and second sections of the handle. It would have been obvious to one having an ordinary skill in the art at the time the invention was made to construct the diameter of the second handle being larger than the second scrubbing stick, since such a modification would have involved a mere change in the size of the component. And it would also have been obvious to one having an ordinary skill in the art at the time the invention was made to employ the second handle as taught by Batch into the second handle of Dunn and the annular step as taught by Martinez into the handle of Batch for the intended use purpose.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Brunderman is cited to show the state of the art with respect to a footcare device.

The drawings filed 07/03/2003 have been approved by the Examiner.

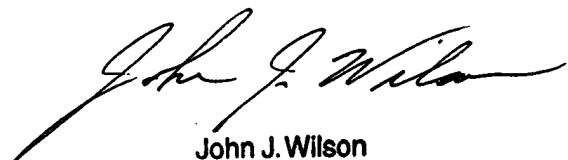
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robyn Doan whose telephone number is (571) 272-4711. The examiner can normally be reached on Mon-Fri 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Robyn Doan  
April 11, 2005



John J. Wilson  
Primary Examiner